



**HODGES WALSH & BURKE, LLP**

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August 27, 2024

Via ECF

Honorable Cathy Seibel  
United States District Judge  
Southern District of New York  
Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601-4150

Re: Hicks v. Encarnacion, et al.  
23 CIV 1839 (CS)

**REQUEST FOR EXTENSION OF TIME TO  
FILE MOTION FOR SUMMARY JUDGEMENT**

Your Honor:

Our Office represents the Defendants in this Matter. We write to request an extension of time to file a motion for summary judgment, until OCTOBER 30, 2024. The Court had previously scheduled a motion to be submitted on September 4, 2024.

As the Court knows it was recently determined that the disciplinary files of defendant Encarnacion were not relevant to this action. However, the Plaintiff has still not delivered compliant HIPAA authorizations for the hospital and Dr. Dynoff which, upon delivery, will take a minimum of 4 weeks to process. We have written him again as to the outstanding request, annexed hereto as **EXHIBIT A**.

Furthermore, while Plaintiff will claim that his criminal charges have been resolved in his favor; it will take a minimum of 3 weeks to obtain a certified disposition from the Town Court.

Obviously, both of these discovery matters will impact the Court's determination of the motion.

Plaintiff shall deliver compliant HIPAA authorizations for the doctor and hospital no later than 9/12/24, or he may be precluded from seeking damages for physical injury. If Plaintiff has misplaced the authorization forms, he should call Mr. Svensson right away to get new copies.

Motion for summary judgment to be filed no later than 10/30/24. Plaintiff's opposition to be filed no later than 1/13/24. Defendant's reply due 10 days after Plaintiff's opposition is filed. Defendant is reminded to comply in full with Local Rule 56.2.

The Clerk of Court is respectfully directed to terminate ECF No. 46.

SO ORDERED.

  
CATHY SEIBEL, U.S.D.J.

8/29/24

**HODGES WALSH & BURKE, LLP**

As such, it is respectfully requested that the Court revise the schedule for submission of the motion papers until OCTOBER 30, 2024.

Thank you for your consideration.

Respectfully,  
*Paul E. Svensson*  
Paul E. Svensson

Cc: Darnell R. Hicks  
901 Main Street, Apt. 6C  
Peekskill, NY 10566  
Via USPS and email: [stizzy730@gmail.com](mailto:stizzy730@gmail.com)



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May 13, 2024

Via CMRRR and email stizzy730@gmail.com

Darnell R. Hicks  
901 Main Street, Apt. 6C  
Peekskill, NY 10566

Re: Hicks v. Encarnacion, et. al.  
23 CV 01839 (CS)

Mr. Hicks:

Pursuant to our discussion during your deposition, enclosed please find an authorization for the release of the records of Dr. Dynoff.

Please check the authorization to make sure the information thereon is accurate. If corrections are needed, please let me know.

Please sign the authorization and return it to our office in the enclosed self-addressed stamped envelope at your earliest convenience.

Thank you.

Very truly yours,

*John J. Walsh*

John J. Walsh, Esq. (4092)

JJW:hs  
Encl.